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RIGHT OF PEOPLES TO SELF-DETERMINATION

Cuba, Kenya, Liberia, Nigeria and Togo: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

The General Assembly,

Recalling its resolutions 49/150 of 23 December 1994, 50/138 of 21 December 1995 and 51/83 of 12 December 1996,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant solutions of the Security Council, the Economic and Social Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, the non-use of force or threat of use of force in international relations and self-determination of peoples,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States, where democratically elected Governments have been overthrown by mercenaries or through mercenary international criminal activities,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the polity and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[1] adopted by the General Assembly in 1989, and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Further convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination[2] concerning the use of mercenaries and mercenary-related activities to topple sovereign Governments and to violate the human rights of peoples and impede the exercise of self-determination despite its resolution 51/83;

2. Reaffirms that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. Urges all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take appropriate legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government or threaten the territorial integrity and political unity of sovereign States or to promote secession or fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

4. Calls upon all States that have not yet done so to consider taking the necessary action to sign or to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Urges all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

6. Requests the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to make proposals on a clearer legal definition

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[1] Resolution 44/34, annex.

[2] A/52/495, annex.

of mercenaries and to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

7. Requests the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right of peoples to self-determination to the General Assembly at its fifty-third session;

8. Decides to consider at its fifty-third session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the agenda item entitled "Rights of peoples to self-determination".